

advancing a catheter of the type having a fluid port to eject fluid proximate a control body thus creating a retrograde flow, through said sheath lumen to a location near material to be removed;

injecting fluid into said catheter causing fluid to emerge from the catheter, entraining material located near said catheter;

removing said fluid and entrained flow from said sheath lumen.

### REMARKS

#### **Pending Claims:**

Claims 19, 21-26 are amended by this Response. Claims 11-14 have been deleted. Entry of these amendments is respectfully requested

#### **Rejection under 35 U.S.C. §112 (paragraph 6)**

In the Office Action, a rejection was made under 35 U.S.C. §112 (paragraph 6) to claims 14. Claim 19, which incorporates the limitations of 14, has been amended to address the issue raised by the Examiner.

#### **Rejection under 35 U.S.C. §102(b)**

The Examiner has rejected claims as being anticipated by Muto '216; Pilgrim '418; Dierker '541 and Neracher '482. Given the amendments to the claims all claims include the "**control body**" language that distinguishes these claims from the applied references as follows.

##### Background

The control body language sets forth structural relationships and limitations that force flow to adhere to the control body. The figure below is drawn from a reference that shows how a wall or barrier next to jet can deflect the jet.

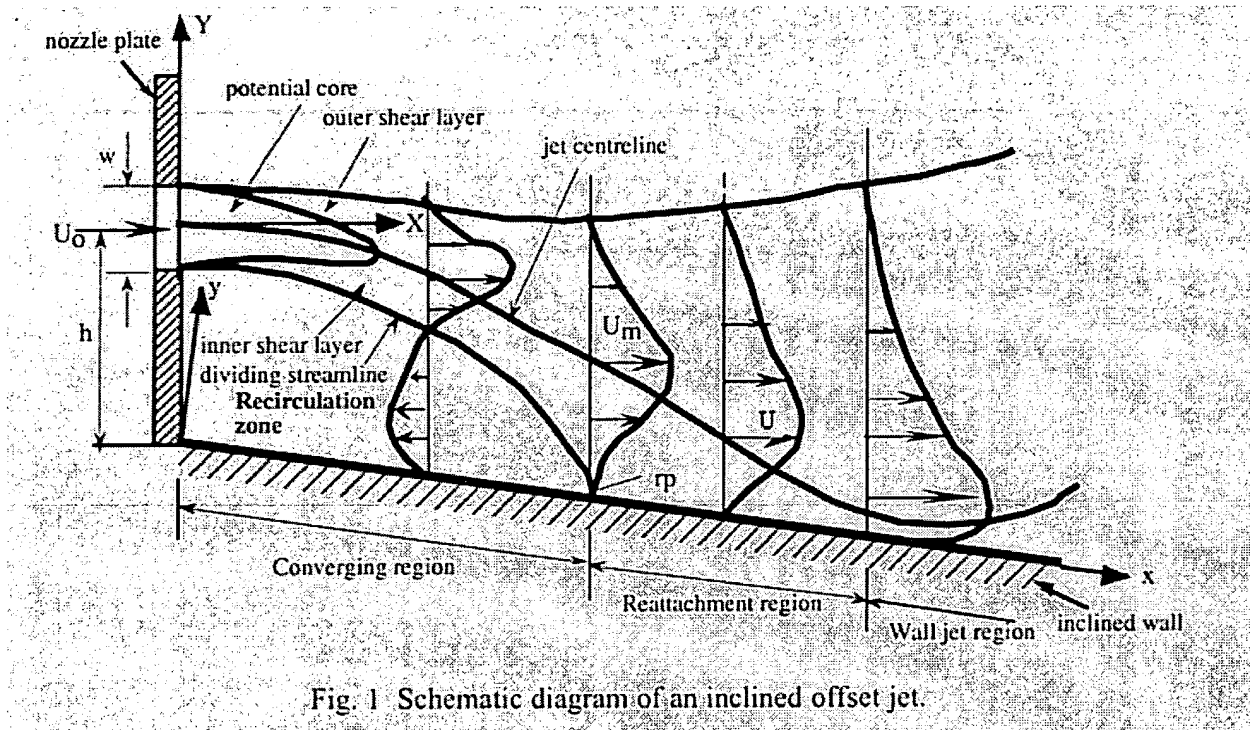


Fig. 1 Schematic diagram of an inclined offset jet.

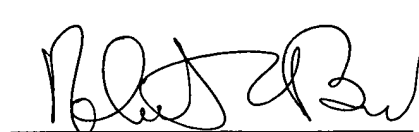
The nozzle plate corresponds to the catheter body with the "hole" corresponding to the aperture as set forth in the claims. The jet centerline on the figure bends toward the inclined wall. The inclined wall corresponds to the control body. In this example the degree of jet deflection is modest and it must be pointed out the medium injected is air and the entrained medium is air. This is in contrast to the injection of saline into blood where there is a distinctive difference in viscosity. However the wall attachment effect is the same. The geometry set forth above and mapped onto the claim does not exist in any of the applied references notwithstanding the Examiners assertions to the contrary. In Neracher the jet never attaches to a close by wall. In the claims the angle of the emerging jet and the wall are varied to allow for the jets to be angled back from embodiments like Fig. 5 in contrast to the embodiment of Fig. 6. However in each case the emerging jet must be deflected as seen in the graphic above. Applicant submits that the control body language is not functional but structural and the flow attachment is a necessary consequence of the relationships set forth in the claims.

### CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
SPRITE SOLUTIONS  
By its attorneys:

Date: 12/5/03

A handwritten signature in black ink, appearing to read 'Robert C. Beck', written over a horizontal line.

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